

Applicants' representative and the Examiner have agreed that all due dates are to be calculated from the date of the first issued restriction requirement, i.e., July 12, 2002.

Applicants are enclosing a modified restriction requirement to address the minor errors contained within the amended restriction requirement dated August 7, 2002. Applicants respectfully request that the examiner consider using the attached restriction requirement instead of the amended restriction requirement dated August 7, 2002.

As requested by the Examiner, the Applicants are responding to the amended restriction requirement dated August 7, 2002 and pointing out minor errors that remain in the amended restriction requirement. Applicants also point out changes that were made in response to those errors or have requested further guidance from the Examiner. If the Applicant has made a change that the Examiner finds unacceptable, she is urged to contact the Applicant's representative to discuss the change. All of the comments below are directed towards pointing out the minor errors in the amended restriction requirement dated August 7, 2002 and how the Applicant has attempted to correct them.

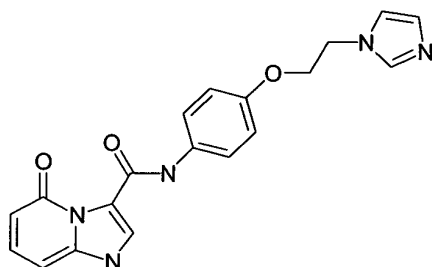
Claim 35 was not included in any group. Applicants have added it to Group I because it appears to meet the requirements set forth for Group I.

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McDonnell Boenken Hulbert & Berghoff  
300 S. Wacker Drive  
Chicago, IL 60606  
(312) 913-0001

Claim 60 was not included in any group. Applicants have added it to Group IV because it depends from claim 58 which is in Group IV and it appears to meet the requirements set forth for Group IV.

Claim 32 recites the following compound:



This claim was originally included in Group III, which requires E to be either imidazol-1-propoxy or imidazol-1-propyl. Claim 32 does not contain the required E group for Group III (because E is hydrogen), but it does appear to belong in Group I. Therefore, Applicants have moved Claim 32 from Group III to Group I.

Also, certain claimed subject matter has been excluded from the claim groups set forth in the amended restriction requirement. For example Group II is limited to compounds where  $R^3R^4N-$  is piperazine or a 6-membered heterocycloalkyl ring with 4 carbon and 2 nitrogen atoms. The definition of  $R^3R^4N-$  in claim 1 includes  $R^3R^4N-$  being defined as heteroaryl or heterocycloalkyl. The remainder of the full definition of  $R^3R^4N-$  is not within any

of the other groups set forth by the Examiner. A similar situation is present for "E" in Group III. Applicants request that the examiner indicate to which group(s) the excluded matter should belong.

Group II requires that all three of A, B, and C are simultaneously  $R^3R^4N-$ . Applicants believe that the Examiner meant to require one of A, B, and C to be  $R^3R^4N-$ . Furthermore, assuming that the above is correct, the Applicants are not sure as to the definitions of the other two variables and consequently, ask the Examiner to clarify the definitions of all three variables in Group II.

Group IV excludes hydrogen from the definition of A, B, and C. Compounds wherein A, B, and/or C are hydrogen are not included in any other group. Applicants respectfully request that the term "hydrogen" be added to the definitions of variables A, B, and C in Group IV.

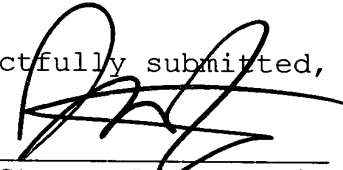
Groups I, II, and III permit variable "G" to have definitions i, ii, iii, iv, v, or vi but exclude definition vii. Applicants respectfully request that compounds wherein G carries the definition of group vii be inserted into the appropriate group. Applicants suggest that the Examiner may have meant to put such compounds into their own group.

The Applicants urge the Examiner to contact the Applicants' undersigned representative at (312) 913-0001 if the Examiner believes that this would expedite prosecution of this application.

September 12, 2002

Respectfully submitted,

By:

  
Steven J. Sarussi  
Reg. No. 32,784

## DETAILED ACTION

### *Election/ Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121

- I. Claims 1-9, 11-39, 41-57 and 63-64, drawn to the compounds of claim 1 where A, B, and C are selected from I, ii, and iii, except in iii  $\text{NR}^3\text{R}^4$  does not represent heteroaryl or heterocycloalkyl, E is as claimed, F is as claimed, G is i, ii, iii, iv, v, or vi where  $\text{R}^{11}$ ,  $\text{R}^{11'}$ ,  $\text{R}^{12}$ ,  $\text{R}^{12'}$ , and  $\text{R}^{13}$  are all moieties claimed except  $\text{NR}^6\text{R}^7$  equal to heteroaryl or heterocycloalkyl, method for treating, pharmaceutical composition, etc.
- II. Claims 1-9, 11-14, 18-21, 41-57, and 63-64 drawn to a compound of claim 1 wherein at least one of A, B, or C is  $\text{R}^3\text{R}^4\text{N}-$  where  $\text{R}^3\text{R}^4\text{N}-$  represents heteroaryl or heterocycloalkyl, E is as claimed, F is as claimed, G is i, ii, iii, iv, v, or vi where  $\text{R}^{11}$ ,  $\text{R}^{11'}$ ,  $\text{R}^{12}$ ,  $\text{R}^{12'}$ , and  $\text{R}^{13}$  are all moieties claimed except  $\text{NR}^6\text{R}^7$  equal to heteroaryl or heterocycloalkyl, method for treating, pharmaceutical composition, etc.
- III. Claims 1, 19, 21, and 40-57 drawn to a compound of Claim 1 wherein A, B, and C are as defined, and E is a group as

defined substituted with at least one heterocycloalkyl or heteroaryl group; e.g. E is 3-imidazol-1-propyl, G is i, ii, iii, iv, v, or vi where  $R^{11}$ ,  $R^{11'}$ ,  $R^{12}$ ,  $R^{12'}$ , and  $R^{13}$  are all moieties claimed except  $NR^6R^7$  equal to heteroaryl or heterocycloalkyl, method for treating, pharmaceutical composition, etc.

IV. Claims 1-9, 11-20, 41-57, and 63-64 drawn to the compound of claim 1 where E is as claimed, F is as claimed, G is i, ii, iii, iv, v, or vi where  $R^{11}$ ,  $R^{11'}$ ,  $R^{12}$ ,  $R^{12'}$ , and  $R^{13}$  are all moieties claimed and at least one group  $NR^6R^7$  equal to heteroaryl or heterocycloalkyl is present, method for treating, pharmaceutical composition, etc.

V. Claims 58-62 and 65 drawn to a compound where A, B, and C are as claimed. F,  $R_{20}$  and  $R_{21}$  are as claimed.

VI. Claim 1, 10, and 41-57 drawn to the compound of claim 1 where A, B, and C are as claimed, E is as claimed, F is as claimed, G is vii (a heteroaryl group), method for treating, pharmaceutical composition, etc.

VII Claim 1-57 and 63-64 drawn to compounds not included in any of the above groups.